

Summary of Brackett Testimony

Steadily increasing food imports and changing consumer preferences pose new challenges for food and beverage companies and for the Food and Drug Administration. To address these challenges, food companies and federal and state agencies have placed continually greater emphasis on the prevention of food contamination.

As Congress considers food safety legislation, we urge you to consider the following recommendations:

One, we urge you to require that every food importer of record institute a foreign supplier quality assurance program that assures that all imported ingredients and products meet FDA food safety and quality requirements.

Two, we urge you to expand FDA's ability to build the capacity of foreign governments to prevent and detect threats to food safety. In particular, FDA should be directed to work with foreign governments to expand training, accelerate the development of laboratories, ensure the compliance of exports with U.S. regulations, and harmonize food safety requirements among countries.

Three, we urge you to enhance FDA's ability to target those imports that pose the greatest risk to consumers. In particular, we urge you to create a voluntary program to permit expedited entry of foods that pose no meaningful risk. By permitting food importers who demonstrate the existence of a secure supply chain and who meet FDA's standards and conditions to receive expedited entry, FDA could focus more scrutiny on those imports that are more likely to pose a risk to public health.

Four, we urge you to provide FDA authority to mandate that fruits and vegetables be produced following good agricultural practices. Rising consumption of fruits and vegetables creates new food safety challenges that should be addressed through strong and enforceable produce safety standards which can be tailored to reflect differences among commodities.

Five, we urge you to give FDA the authority to order a mandatory recall when a company has refused to conduct a voluntary recall and there is a significant risk to public health. Where the responsible party refuses to voluntarily recall a product for which there is a reasonable probability that the food will cause serious adverse health consequences or death, the Secretary should be permitted to order the company to conduct a recall.

Finally, we urge you to work with your colleagues on the appropriations committee to provide FDA with adequate resources. Because FDA food-related funding has not kept pace with inflation, more than 800 scientists, inspectors and other critical staff have been lost during the past four years. We urge you to reject taxes on food imports and facilities and to instead work with the Alliance for a Stronger FDA to increase FDA food-related spending by \$150 million in FY 2009.

Written Testimony of Dr. Robert Brackett

Grocery Manufacturers Association

**Senior Vice President and Chief Science and Regulatory Affairs Officer
Grocery Manufacturers Association**

Before

**Committee on Energy and Commerce
Oversight and Investigations Subcommittee
United States House of Representatives**

"Contaminated Food: Private Sector Accountability"

February 26, 2008

Good morning. I am Robert Brackett, Senior Vice President and Chief Science and Regulatory Affairs Officer for the Grocery Manufacturers Association.

Americans enjoy one of the safest food supplies in the world, but food and beverage companies recognize that steps must be taken to make our food supply even safer. Ensuring the safety of our products -- and thereby maintaining the confidence of consumers -- is the single most important goal of the food and beverage industry. Product safety is the foundation of consumer trust, and our industry devotes enormous resources to ensure that our products are safe.

Steadily increasing food imports and changing consumer preferences pose new challenges for food and beverage companies and for the Food and Drug Administration. In recent years, we have experienced dramatic changes in the volume and variety of food imports. The percent of food imported into the U.S. increased by nearly 40 percent

between 1995 and 2005 to 15 percent of the U.S. food supply. In particular, roughly 60 percent of the fruits and vegetables and roughly 80 percent of seafood now consumed in the U.S. are imported.

To address the challenges posed by rising imports and changing consumer choices, food and beverage companies and federal and state agencies have placed continually greater emphasis on the prevention of food contamination. By constantly identifying and addressing the sources of contamination throughout each product's life cycle, we continually reduce the risk of food-borne illness to consumers. We believe that the prevention of contamination – through the adoption of preventive controls – should continue to be the foundation of our nation's food safety strategies.

Food companies recognize our responsibility to provide safe food to consumers. We have made significant new investments in food safety, identifying and adopting a range of practices and programs to reduce the risk of contamination. Earlier this month, for example, we convened a Webinar (or web-based training) on improving industry controls for processing of low acid canned foods. This type of activity is one of industry's actions to improve the safety of foods by providing specialized training to food processors.

Although the ultimate burden of providing safe food falls on our industry, this responsibility is shared by federal, state and local agencies. By setting and enforcing tough food safety standards, agencies like FDA and FSIS help the food industry ensure the safety of our food supply. We believe that providing federal, state and local food

safety resources with adequate resources is critical to ensuring that America continues to enjoy one of the world's safest food supplies.

As you seek to modernize food safety legislation, we urge you to focus on programs and policies that will prevent food contamination and to consider the following recommendations. Many of these recommendations were included in *Commitment to Consumers: the Four Pillars of Imported Food Safety*, a comprehensive food safety proposal released last fall by the Grocery Manufacturers Association.

One, we urge you to require that every food importer of record institute a foreign supplier quality assurance program that assures that all imported ingredients and products meet FDA food safety and quality requirements. To assist companies in developing these supplier quality programs, we propose that FDA issue guidance on key elements—including, as appropriate, audits, testing, good manufacturing practices, food defense programs, good agricultural practices, and other preventive controls. Requiring food importers to ensure the safety of their supply chains – and giving FDA the authority to oversee industry's implementation of these programs – would significantly reduce the likelihood of contamination.

Two, we further urge you to expand FDA's ability to build the capacity of foreign governments to prevent and detect threats to food safety. In particular, FDA should be directed to work with foreign governments to expand training, accelerate the development of laboratories, ensure the compliance of exports with U.S. regulations, and harmonize food safety requirements among countries. FDA should also be given the

authority to detain food imports if inspections of foreign facilities are warranted but are unduly delayed or refused, as proposed by FDA in the agency's Food Protection Plan.

Three, we urge you to enhance FDA's ability to target those imports that pose the greatest risk to consumers. In particular, we urge you to create a voluntary program to permit expedited entry of foods that pose no meaningful risk. By permitting food importers who demonstrate the existence of a secure supply chain and who meet FDA's standards and conditions to receive expedited entry, FDA could focus more scrutiny on those imports that are more likely to pose a risk to public health. A risk-based approach to food inspections, combined with enhanced training of FDA and other federal and state inspectors, would significantly improve our ability to detect contaminated food. In addition, FDA should build upon existing efforts to ensure the safety of imported foods from countries or companies with a history of problems by working with those foreign governments and food companies to certify the safety of such products before they are offered for import into the U.S. Increasing our ability to scrutinize and oversee imports based on risk would greatly enhance our ability to detect threats to public health without crippling commerce or violating our trade commitments.

Fourth, we urge you to take steps to continually improve the safety of food produced in the U.S. In particular, we urge you to provide FDA authority to mandate that produce be produced following good agricultural practices. Rising consumption of fruits and vegetables reflects growing consumer demand for healthier food choices but also creates new food safety challenges that should be addressed through strong and enforceable produce safety standards which can be tailored to reflect differences among

commodities. Similarly, we support modernizing preventative controls for packaged food products to reflect scientific advances and thereby strengthen the foundational elements of our food safety system.

Fifth, we urge you to give FDA the authority to order a mandatory recall when a company has refused to conduct a voluntary recall and there is a significant risk to public health. Specifically, where the responsible party refuses to voluntarily recall a product for which there is a reasonable probability that the food will cause serious adverse health consequences or death, the Secretary should be permitted to order the company to conduct a recall.

Finally, we urge you to work with your colleagues on the appropriations committee to provide FDA with adequate resources. Because FDA food-related funding has not kept pace with inflation, more than 800 scientists, inspectors and other critical staff have been lost during the past four years. We urge you to reject taxes on food imports and facilities and to instead work with the Alliance for a Stronger FDA to increase FDA food-related spending by \$150 million in FY 2009.

We believe the adoption of these and other recommendations identified in our *Four Pillars* proposal will, in combination, ensure that Americans continue to enjoy the one of safest food supplies in the world. By focusing our efforts on prevention, by increasing FDA resources, and by leveraging the expertise and resources of the food industry, we believe Congress can help us meet the challenges posed by rising imports and changing consumer preferences.

